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U.S. PTO

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22390 U.S. PTO 10/8/2004



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| UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b)) | Attorney Docket No. | MDS-034DV |
| | First Named Inventor | Schomacker |
| | Title | Optimal Windows for Obtaining Optical Data for Characterization of Tissue Samples |

| APPLICATION ELEMENTS | ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 |
|--|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form | ACCOMPANYING APPLICATION PARTS |
| 2. <input checked="" type="checkbox"/> Small Entity Status <input type="checkbox"/> Applicant claims small entity status <input checked="" type="checkbox"/> Status established in prior application and is still proper and desired | |
| 3. <input checked="" type="checkbox"/> Specification and Drawings [Total Pages 63] - Written Description - (37 pages) - Claims - (8 pages) - Abstract - (1 page) - Sheets of Drawings - (17 sheets) <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Informal | |
| 4. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages 4] a. <input type="checkbox"/> Newly executed (original) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Box 5 below] | |
| 5. <input checked="" type="checkbox"/> Incorporation by Reference (usable if Box 4b is checked) The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. | 8. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney |
| 6. <input checked="" type="checkbox"/> Application Data Sheet | 9. <input type="checkbox"/> English Translation Document (if applicable) |
| 7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <input type="checkbox"/> Computer Readable Form (CRF) <input type="checkbox"/> Paper Copy (identical to computer copy) <input type="checkbox"/> CD (2 copies) (identical to computer copy) <input type="checkbox"/> Statement verifying identity of above copies | 10. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations |
| 17. <input type="checkbox"/> If a CONTINUING APPLICATION: Amend the specification by inserting on page 1, before the first line, the sentence: --This is a <input type="checkbox"/> continuation <input checked="" type="checkbox"/> divisional <input type="checkbox"/> continuation-in-part of prior application Serial No. 10/295,794, filed on November 15, 2002, the entire disclosure of which is incorporated by reference herein.-- Priority to the above application(s) is claimed under 35 U.S.C. 120. Prior application information: Examiner: S.P. Siefke. Group/Art Unit: 1743. | 11. <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Drawings [Total Sheets] |
| 18. <input type="checkbox"/> Priority - 35 U.S.C. 119 <input type="checkbox"/> Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119. <input type="checkbox"/> The certified copy has been filed in prior U.S. application Serial No. ____/____ on ____. <input type="checkbox"/> The certified copy will follow. | 12. <input checked="" type="checkbox"/> Return Receipt Postcard (specifically itemized) |
| CORRESPONDENCE ADDRESS Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100 Customer No. 021323 | 13. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority claimed) |
| | 14. <input type="checkbox"/> Nonpublication Request Under 35 U.S.C. 122(b) |
| | 15. <input type="checkbox"/> CD in duplicate for large table or computer program |
| | 16. <input checked="" type="checkbox"/> Other: • Copy of Fee Transmittal • Check in the amount of \$394.00 |
| SIGNATURE BLOCK Respectfully submitted, William R. Haulbrook, Ph.D. Attorney for Applicant(s) Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Date: April 21, 2004 Reg. No. 53,002 Tel. No.: (617) 310-8427 Fax No.: (617) 248-7100 | |

3043622_1

FEE TRANSMITTAL

FY 2004

Complete if Known

| | |
|---------------------------|------------------|
| Application Serial Number | Not yet assigned |
| Filing Date | Herewith |
| First Named Inventor | Schomacker |
| Group Art Unit | Not yet assigned |
| Examiner Name | Not yet assigned |
| Attorney Docket No. | MDS-034DV |

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

| Fee (\$) | Fee Description | Fee Paid |
|----------|------------------------|----------|
| 770 | Utility filing fee | 770.00 |
| 340 | Design filing fee | |
| 160 | Provisional filing fee | |

| | Number Filed | Number Extra | Rate | Amount |
|--------------------|--------------|--------------|--------------|--------|
| Total Claims | 21 | - 20 = 1 | x \$ 18.00 = | 18.00 |
| Independent Claims | 1 | - 3 = 0 | x \$ 86.00 = | 0.00 |

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL: 788.00

SMALL ENTITY DISCOUNT: 394.00

SUBTOTAL (1) (\$) 394.00

2. AMENDMENT CLAIM FEES

| Claims Remaining After Amend. | Highest No. Previously Paid For | Present Extra | Rate | Fee Paid |
|--|---------------------------------|---------------|--------------|----------|
| Total | - | = | x \$ 18.00 = | |
| Indep. | - | = | x \$ 86.00 = | |
| <input type="checkbox"/> First Presentation of Multiple Dep. Claim | | | + \$290.00 = | |

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130 | 65 | Surcharge - late filing fee or oath | |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 130 | 130 | Non-English specification | |
| 2,520 | 2,520 | Request for ex parte reexamination | |
| 110 | 55 | Extension for reply within first month | |
| 420 | 210 | Extension for reply within second month | |
| 950 | 475 | Extension for reply within third month | |
| 1480 | 740 | Extension for reply within fourth month | |
| 2010 | 1005 | Extension for reply within fifth month | |
| 330 | 165 | Notice of Appeal | |
| 330 | 165 | Filing a brief in support of an appeal | |
| 290 | 145 | Request for oral hearing | |
| 130 | 130 | Petitions to the Commissioner | |
| 180 | 180 | Submission of Information Disclosure Statement | |
| 770 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 770 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 100 | 100 | Certificate of Correction for applicant's error | |
| 110 | 55 | Submission of Terminal Disclaimer | |
| Other fee (Specify) | | | |
| Other fee (Specify) | | | |

SUBTOTAL (3) (\$) 0.00

SUBTOTAL (1) \$394.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 0.00

TOTAL (\$) 394.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:

Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Date: April 21, 2004
 Reg. No.: 53,002
 Tel. No.: (617) 310-8427
 Fax No.: (617) 248-7100

William R. Haulbrook
 William R. Haulbrook, Ph.D.
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